

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
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-v- : S1 21 Cr. 766 (JPC)
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JUSTIN HAMPTON, :
:
Defendant. :
:
-----X

JOHN P. CRONAN, United States District Judge:

Attached to this order is the Court's current draft of *voir dire* questions for prospective jurors. The parties should be prepared to address any objections to the proposed questions at the final pretrial conference scheduled for November 14, 2022, at 10:30 a.m.

SO ORDERED.

Dated: November 13, 2022
New York, New York


JOHN P. CRONAN
United States District Judge

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JOHN P. CRONAN, United States District Judge:

This is a criminal case against Justin Hampton, the defendant. Mr. Hampton has been charged with committing federal crimes in an Indictment returned by a grand jury sitting in this District. The Indictment itself is not evidence. It simply contains the charges that the Government is required to prove beyond a reasonable doubt. There are four separate charges, or "counts," contained in the Indictment. Broadly speaking, the charges in the Indictment allege that Mr. Hampton participated in conspiracy with others to commit robberies in New York City in October and November 2021. Count One charges that from at least in or about October 2021 through in or about November 2021, Mr. Hampton participated in a conspiracy to rob commercial establishments, such as convenience stores, dollar stores, and restaurants in the Bronx, Brooklyn, and Queens, New York. Count Two charges that on or about October 19, 2021, Mr. Hampton robbed a Family Dollar store in the Bronx, New York. Count Three charges that on or about November 10, 2021, Mr. Hampton robbed a Little Caesars pizza restaurant in the Bronx, New York. And Count Four charges that Mr. Hampton used, carried, and possessed a firearm and aided

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and abetted the use, carrying, and possession of a firearm, in connection with the robbery alleged in Count Two and in furtherance of the robbery alleged in Count Two.

Mr. Hampton has entered a not guilty plea as to all charges. He is presumed innocent. The United States has the burden to prove beyond a reasonable doubt that Mr. Hampton is guilty of one or both of the charges.

Questions for Potential Jurors

Please indicate if your answer to any of the following questions is “yes.” If you would prefer not to give your answer in open court, please say so.

Part 1: General Juror Questionnaire

1. Do you have any personal knowledge of the charges against Mr. Hampton as I have described them?
2. Have you seen or read anything about this case?
3. Is there anything about the nature of this case that would cause you to be unable to render a fair and impartial verdict?
4. Have you, or to your knowledge has a family member or close friend, had any personal experiences that you feel might make it difficult for you to be fair and impartial in this case?
5. I am now going to introduce you to the parties and their lawyers. As I just told you, the defendant in this case is named Justin Hampton. I ask Mr. Hampton to stand and turn around. Do you, or to your knowledge does a family member or close friend, know Mr. Hampton or anyone close to him?
6. Mr. Hampton is represented at this trial by Marc Greenwald, Phillip Jobe, Sara Turk, and Benjamin Carroll of the law firm Quinn Emanuel Urquhart & Sullivan LLP. I ask Mr. Greenwald and Mr. Jobe to stand, turn around. Do you, or to your knowledge does a family

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member or a close friend, know Mr. Greenwald, Mr. Jobe, Ms. Turk, Mr. Carroll, or anyone at their law firm Quinn Emanuel?

- a. Have you, or to your knowledge has a family member or close friend, had any dealings, either directly or indirectly, with Mr. Greenwald, Mr. Jobe, Ms. Turk, Mr. Carroll, or anyone at their law firm?
7. The Government is represented here by the United States Attorney for the Southern District of New York, who is Damian Williams. The conduct of this trial will be in the immediate charge of Assistant United States Attorneys Madison Redick Smyser, Brandon Thompson, and Thane Rehn. They will be assisted by Maria Gatica, who is a paralegal with the U.S. Attorney's Office, who will join them at counsel table. And also joining them at counsel table will be Detective Finbarr Fleming and Special Agent Kylie Welsh, who are assigned to the New York City Policy Department/Bureau of Alcohol, Tobacco, and Firearms Joint Robbery Task Force. I ask Ms. Smyser, Mr. Thompson, Mr. Rehn, Ms. Gatica, Detective Fleming, and Special Agent Welsh to all stand. Do you, or to your knowledge does any family member or close friend, know any of these individuals?
 - a. Have you, or to your knowledge has any family member or close friend, had any dealings, either directly or indirectly, with any of these individuals?
 - b. Have you, or to your knowledge has any family member or close friend, had any dealings, either directly or indirectly, with the United States Attorney's Office?
 - c. Have you, or to your knowledge has any family member or close friend, had any dealings, either directly or indirectly, with the New York City Police Department that would affect your ability to render an impartial judgment in this case?
 - d. Have you, or to your knowledge has any family member or close friend, had any

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dealings, either directly or indirectly, with the Bureau of Alcohol, Tobacco, and Firearms?

8. Exhibit A, found at the back of this document, has a list of people who may be mentioned at trial or who may be witnesses at trial, and a list of locations and businesses that may be mentioned during trial. I ask you to read that list now.

- a. Have you, or to your knowledge has any family member or close friend, had dealings with any of the people listed?
- b. Have you ever visited any of the listed locations?
- c. Have you ever visited any of the listed businesses?
- d. Do you otherwise have any personal knowledge or familiarity with any of the listed people, locations, and businesses?

9. During trial, I will be assisted by members of the Court's staff, including the Courtroom Deputy, Meghan Henrich, and my law clerks, Sam Givertz, Connor Clerkin, and Jonathan Sarnoff. I ask any of those individuals who are currently in the courtroom to stand. Do you, or to your knowledge does any family member or close friend, know Ms. Henrich, Mr. Givertz, Mr. Clerkin, Dr. Sarnoff, or me?

10. Please look around the room. Do you recognize anyone in the courtroom?

11. Are you, or to your knowledge is any family member or close friend, currently serving or have you or they previously served in the capacity of a law enforcement officer or in a prosecutor's office?

12. Do you have any biases or prejudice against the United States Attorney's Office, the New York City Police Department which is often called the NYPD, the Bureau of Alcohol, Tobacco, and Firearms which is often called ATF, or law enforcement in general?

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13. Have you, or to your knowledge has any family member or close friend, ever been party to any legal action or dispute with the United States, or with any of the officers, departments, agencies, or employees of the United States, including the Internal Revenue Service?
 - a. Have you had any legal, financial, or other interest in any such legal action or dispute, or its outcome?
14. Have you, or has a member of your family, ever had such a dispute concerning payment of money owed by the federal government?
15. During the trial, you may also hear evidence about firearms that the Government alleges were used in connection with robberies. Do you feel that you have strong policy views regarding firearms that would make it difficult for you to follow my instructions on the law and to base your verdict solely on the evidence in this case?
16. Have you ever lobbied, petitioned, or worked in any other manner for or against any laws or regulations relating to firearms?
17. Do you believe that the federal government should not have laws that limit a person's right to possess a firearm in certain circumstances?
18. Have you, or to your knowledge has any family member or close friend, ever been involved in a case involving a firearm or ammunition?
19. Have you, or to your knowledge has any family member or close friend, ever owned a firearm?
If so, for what reason?
20. The robberies at issue in this case allegedly occurred in October and November 2021 at various stores in the Bronx, Brooklyn, and Queens, including Family Dollar stores, 7-Eleven stores, a Little Caesars pizza restaurant, and the Woodhaven Auto Service Store. Does the fact that the charges involve any of these companies and stores affect your ability to render a fair and

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impartial verdict?

21. Have you heard any news or media coverage of these alleged robberies prior to coming to court today?

22. Have you, or to your knowledge has any family member or close friend, ever worked in a convenience store such as a 7-Eleven, a Family Dollar store, or a gas station?

23. Have you formed an opinion that any of the charges, as I have described them, should not be a crime?

24. Do you believe that it should not be a crime for a person to take items from a store?

25. Do you believe that it should not be a crime for a person to use threats or force to take items from a store?

26. Have you, or to your knowledge has any family member or close friend, ever been a victim of gun violence?

27. Have you, or to your knowledge has any family member or close friend, otherwise ever been a victim of a crime?

28. Have you, or to your knowledge has any family member or close friend, otherwise ever been a victim of a robbery or act of violence?

29. Have you, or to your knowledge has any family member or close friend, ever been arrested, stopped, or questioned by a law enforcement officer?

30. Have you, or to your knowledge has any family member or close friend, ever been involved or appeared as a witness in any investigation by a federal or state grand jury, or by a Congressional or state legislative committee, licensing authority, or governmental agency?

31. Have you, or to your knowledge has any family member or close friend, ever been charged with, indicted for, accused of, or convicted of a crime?

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32. To your knowledge, have you, or has any family member or close friend, been the subject of a criminal investigation, or testified before a state or federal grand jury?
33. To your knowledge, are you currently under subpoena or about to be subpoenaed in a federal case?
34. Do you have any feelings regarding the criminal justice system in this country, including but not limited to your feelings about judges, lawyers, and law enforcement officers, that might make it difficult for you to be a fair and impartial juror in this case?
35. Do you have any religious, philosophical, or other beliefs that would make you unable to render a verdict for reasons unrelated to the law and the evidence?
36. Do you have any biases or prejudices that would affect your ability to serve as a fair and impartial juror in this case?
37. The witnesses in this case may include law enforcement witnesses. Would you be more likely to believe a witness merely because he or she is a member of a law enforcement agency?
38. Would you be less likely to believe a witness merely because he or she is a member of a law enforcement agency?
39. You may also hear testimony from expert witnesses. Have you had any experiences with experts, or do you have any general feelings about the use of experts, that would make it difficult for you to render a fair and impartial verdict?
40. Would you be unable to follow my instruction that the Government is not required to use any particular investigative technique to uncover evidence of or to prosecute a crime?
41. Some of the evidence that may be introduced in this case may come from searches performed by law enforcement officers. If any such evidence is presented to you, the searches were legal, and the evidence obtained from the searches is admissible in this case. Do you have strong

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feelings about searches conducted by law enforcement officers, or the use of evidence obtained from searches at trial, that might prevent you from being a fair and impartial juror in this case?

42. Some of the evidence in this trial may be presented in the form of information from cellphones.

If any such evidence is presented to you, that evidence was lawfully obtained. Do you have any strong feelings about the use of such evidence that might make it difficult for you to be a fair and impartial juror in this case?

43. You may hear evidence of criminal activity committed by people other than Mr. Hampton.

Those other individuals are not on trial here. You also may not draw any inference from that fact and must not speculate as to why they are not on trial at this time. Would you be unable to follow this instruction or, for this reason, unable to render a fair and impartial verdict?

44. The following are legal principles that apply in every criminal case. Would you, for any reason, be unable to follow any of these legal principles?

- a. Mr. Hampton is presumed innocent.
- b. The Government has the burden of proof at trial.
- c. The Government must prove its case beyond a reasonable doubt.
- d. The jury's verdict must be unanimous.
- e. Mr. Hampton does not have to testify or present any defense, and the jury is not permitted to consider that fact in any way in deciding whether or not the Government has proved that he is guilty.
- f. A defendant's silence cannot be held against him or her.

45. The function of the jury is to decide questions of fact. However, when it comes to the law, you must listen to my instructions and accept the law as I explain it. Do you have any hesitation or unwillingness to apply the law as I explain it even if you disagree with the law or if it

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conflicts with what you think the law should be?

46. Are you unable to accept that the question of punishment is for me as the judge alone to decide and that the possible punishment must not enter into the deliberation of the jurors as to whether the defendant on trial here is guilty or not guilty?
47. It is not a particularly pleasant duty to find someone else guilty of committing a crime. Do you feel that even if the evidence established the defendant's guilt beyond a reasonable doubt, you might not be able to render a guilty verdict for reasons unrelated to the law and the evidence?
48. Do you feel that, if you find that the evidence does not establish the defendant's guilt beyond a reasonable doubt, you might not be able to render a not guilty verdict for reasons unrelated to the law and the evidence?
49. Do you have any reservations about discussing your opinions with other people?
50. Do you have any reservations about sitting in judgment of others?
51. Under your oath as a juror, you are not to be swayed by sympathy. You are to be guided solely by the evidence in this case, and the law as I will charge you. Are you unable to accept my instruction that you are not to be swayed by sympathy of any kind?
52. I may instruct you to absolutely avoid reading, watching, or listening to media reports concerning this case, including cover of the case in social media like Facebook, Twitter, and blogs, until the case is over. Will you be unable to follow that instruction?
53. Do you have any medical problems, particularly eyesight or hearing difficulties, which could affect your perception of the proceedings?
54. Are you taking any medication, or do you suffer from any medical condition, that would prevent you from sitting for prolonged periods or giving your full attention to all of the

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evidence?

55. Do you have any difficulty reading or understanding English?

56. Do you have any COVID-related concerns about the safety of the Courthouse or your commute to the Courthouse that might interfere with your ability to dedicate your full and undivided attention to the evidence in this case or pressure you to reach a verdict or otherwise compromise with other jurors to complete your deliberations faster to avoid exposure to COVID-19?

57. The fundamental issue here is whether there is anything in your personal history or life experience that would prevent you from acting as a fair and impartial juror here. But only you know whether there is some other matter that I did not mention that I should have asked about. Is there anything that would affect your ability to render a fair and impartial verdict in this case or otherwise anything else you feel the parties should know about you?

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Part 2: Individual Juror Questionnaire

1. What is your city, town or village, and county of residence?
2. How long have you lived at that residence?
 - a. If less than ten years, where did you live before that?
3. How far did you go in school?
 - a. What have been your areas of study?
 - b. What degrees have you received?
4. What is your occupation?
 - a. Who is your employer and where do you work?
 - b. How long have you had that job?
 - c. What previous jobs have you had in the past ten years?
 - d. If you are retired, what position did you hold before retirement?
5. Do you currently or have you ever served in the military?
6. What is your marital status?
 - a. If you are married, what is your spouse's educational background and current employer?
7. Are there other adults in your household?
 - a. If so, what do they do?
 - b. If they are retired, what did they do before retirement?
8. Do you have children?
 - a. If so, how old are they?
 - b. If they are adults, what do they do?
9. Are you a member of any organizations?

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- a. If so, which ones?
10. Which publications—such as newspapers, magazines, or online news websites—do you regularly read?
11. What types of books do you enjoy reading?
12. What radio stations, podcasts, and television programs do you regularly tune in to?
13. What social media platforms do you regularly use?
14. What do you like to do in your spare time?
15. Have you previously served on the jury, whether in a civil or criminal trial, or as a grand juror?
 - a. If so, how many times have you served as a juror?
 - b. For each time you have served as a juror:
 - i. Was the case a criminal or civil?
 - ii. Did the jury reach a verdict? (Please do not tell me what the verdict was.)

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United States v. Justin Hampton

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Exhibit A

People

1. *To be provided by the Government.*

Locations

1. Family Dollar, 130 New Lots Avenue, Brooklyn, New York 11212
2. Family Dollar, 415 Soundview Avenue, Bronx, New York 10473
3. 7-Eleven, 2247 Utica Avenue, Brooklyn, New York 11213
4. 7-Eleven, 2702 Knapp Street, Brooklyn, New York 11235
5. 7-Eleven, 22-55 College Point Boulevard, Queens, New York 11356
6. 7-Eleven, 1590 Hutchinson River Parkway, Bronx, New York 10461
7. 7-Eleven, 3220 Westchester Avenue, Bronx, New York 10461
8. 7-Eleven, 66-04 Queens Boulevard, Queens, New York 11377
9. Woodhaven Auto Service Center, 64-01 Woodhaven Boulevard, Queens, New York 11374
10. 7-Eleven, 72-01 Eliot Avenue, Queens, New York 11379
11. 7-Eleven, 65-07 Woodhaven Boulevard, Queens, New York 11374
12. 7-Eleven, 101-04 Metropolitan Avenue, Queens, New York 11375
13. 7-Eleven, 103-01 Queens Boulevard, Queens, New York 11375
14. Little Caesars, 1600 Bruckner Boulevard, Bronx, New York 10473
15. Terrel Haskins's residence, 454 Torry Avenue, Bronx, New York 10473
16. Queensboro Bridge
17. Willis Avenue Bridge
18. Williamsburg Bridge
19. Brooklyn Bridge
20. Whitestone Bridge
21. Third Avenue Bridge